

**MINUTES  
CITY OF CANANDAIGUA  
ZONING BOARD OF APPEALS  
July 17, 2019**

PRESENT: Ryan Akin, Chair  
James Davern  
Susan Haller  
Julie Harris

ABSENT: Joseph Bader, Vice Chairman  
James Hitchcock  
Carol Henshaw

ALSO PRESENT: Richard E. Brown, Zoning Officer

**CALL TO ORDER:**

Chairman Akin called to order the regular meeting of the Zoning Board of Appeals at 7:15 P.M.

**APPROVAL OF MINUTES:**

Chairman Akin asked if anyone had any corrections or additions to the Regular Meeting Minutes of June 26, 2019. Mr. Davern moved to approve the minutes as written. Ms. Harris seconded the motion, which carried by unanimous voice vote (4-0).

**REVIEW OF APPLICATIONS:**

**ITEM 1**      **Application #19-193: 123 Kennedy Street, BRIAN and HEATHER GROFF, requesting an Area Variance necessary to construct an addition to the existing, attached garage resulting in a setback of 2 feet from the eastern property line. In accordance with Schedule 1 of the Zoning Ordinance of the City of Canandaigua, the minimum side yard setback is 8 feet.**

Brian Groff, the homeowner, represented the application. He stated that they have outgrown their house and are seeking to gain extra space for storage. He feels this would be a more aesthetically pleasing option than adding a shed. The addition will be sided to match the house. The architecture will match the lines of the home. He said there are currently three to four homes in the neighborhood with three-car garages. Theirs would be similar, but with a man-door in lieu of an overhead garage door. He spoke with the neighbors to assure they approve of the proposed addition.

Chairman Akin opened the public hearing and asked if there was anyone else present who wished to speak to the application. Seeing no one, he closed the Public Hearing.

The board proceeded with questions to the applicant. Chairman Akin reminded the board to keep in mind that this is a request for an Area Variance and the board will be weighing the benefit of the variance to the applicant against the detriment of the variance to the neighborhood.

Beginning with question #1: *Show that the granting of the variance will not produce an undesirable change in the character of the neighborhood or create a detriment to nearby properties.*

Mr. Davern feels that with the addition to be sided the same as the house, it will not affect the appearance of the neighborhood.

Ms. Haller inquired about the roof line. Mr. Groff explained that it would be a 6/12 pitch single shed-roof off of the existing 9/12 pitch roof.

Ms. Harris asked about the position of the doors. Mr. Groff said the 42" man-door would be in front of the garage and would match the style of the 36" main entry door.

Regarding question #2: *Show that the benefit sought by the applicant cannot be achieved by some other feasible method that would not require a variance.*

Mr. Akin spoke of the option to build a shed on the property, but that choice would most likely require a variance as well and would add more clutter to the yard. Mr. Davern agreed.

Regarding question #3: *Show that the requested variance is not substantial.*

Mr. Davern believes it is not substantial and that it is not out of character for the neighborhood.

Regarding question #4: *Show that the proposed variance will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood.*

Mr. Davern feels there are no environmental concerns. Mr. Groff confirmed there would be gutters with underground drainage.

Regarding question #5: *Show that the alleged hardship is not self-created.*

Ms. Haller believes that it is self-created.

Chairman Akin asked if there were any other comments or questions. Hearing none, he called for a motion.

Mr. Davern moved for **approval** of the application, finding that the benefit of the variance to the applicant outweighs the detriment of the variance to the neighborhood. He made this motion stating the following reasons:

- #1. The granting of the variance will not produce an undesirable change in the character of the neighborhood or create a detriment to nearby properties.
- #4. The proposed variance will not have an adverse impact on the environmental conditions in the neighborhood.
- #5. The hardship is not self-created.

Ms. Harris seconded the motion, which ***carried*** with a roll call vote of (4-0):

Joseph Bader	Voting	ABSENT
James Davern	Voting	YES
Julie Harris	Voting	YES
Carol Henshaw	Voting	ABSENT
Susan Haller	Voting	YES
James Hitchcock	Voting	ABSENT
Ryan Akin	Voting	YES

**ITEM 2**      **Application #19-207: 16 Holiday Lane, PAUL DRISCOLL, requesting Area Variances necessary to construct a 200 SF storage building with a side yard setback of 3 feet. In accordance with 850-30 of the Zoning Ordinance, storage buildings cannot exceed 165 SF. Further in accordance with 850-28 of the Zoning Ordinance, accessory structures must be setback 5 feet from the property line.**

Paul Driscoll, the homeowner, represented the application. He wishes to use the proposed shed to rebuild boats and requires the extra space to allow room to get around them. His property backs up to Baker Park. He chose the northeast corner where grass does not grow well due to the shade of the trees in that area. The proposed style of shed would match an existing shed on his property.

Chairman Akin opened the public hearing and asked if there was anyone else present who wished to speak to the application. Seeing no one, he closed the Public Hearing.

The board proceeded with questions to the applicant. Chairman Akin reminded the board to keep in mind that this is a request for an Area Variance and the board will be weighing the benefit of the variance to the applicant against the detriment of the variance to the neighborhood.

Beginning with question #1: *Show that the granting of the variance will not produce an undesirable change in the character of the neighborhood or create a detriment to nearby properties.*

Mr. Davern believes no one would notice the new shed on the property; therefore, there would be no detriment to the neighborhood. Mr. Driscoll said he has spoken with both of his neighbors about adding an additional shed.

Regarding question #2: *Show that the benefit sought by the applicant cannot be achieved by some other feasible method that would not require a variance.*

Chair Akin believes that 10 x 20 is a fairly standard sized shed and would be the most efficient and best use of the space.

Ms. Haller confirmed that the shed would be matching the existing shed on the property.

Chairman Akin asked why the shed could not be built 5' away from the property line. Mr. Driscoll explained that the existing trees would interfere with access to the shed over time as they grow larger.

Regarding question #3: *Show that the requested variance is not substantial.*

Ms. Haller believes it is a substantial request. Mr. Davern agrees, but understands the applicant's need.

Regarding question #4: *Show that the proposed variance will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood.*

Mr. Davern does not see any environmental conditions that would be affected. Mr. Driscoll explained that he currently has an evaporation drainage system and plans to install gutters on both sheds by the spring of next year.

Regarding question #5: *Show that the alleged hardship is not self-created.*

Chairman Akin said the location of the trees affecting the side-yard setback is not self-created, however the size of the shed is a personal preference and therefore is self-created.

Chairman Akin asked if there were any other comments or questions. Hearing none, he called for a motion.

Mr. Davern moved for approval of the application, finding that the benefit of the variance to the applicant outweighs the detriment of the variance to the neighborhood. He made this motion stating the following reasons:

- #1. The granting of the variance will not produce an undesirable change in the character of the neighborhood or create a detriment to nearby properties.
- #4. The proposed variance will not have an adverse impact on the environmental conditions in the neighborhood.

Ms. Harris seconded the motion, which **carried** with a roll call vote of (4-0):

Joseph Bader	Voting	ABSENT
James Davern	Voting	YES
Julie Harris	Voting	YES
Carol Henshaw	Voting	ABSENT
Susan Haller	Voting	YES
James Hitchcock	Voting	ABSENT
Ryan Akin	Voting	YES

**ADJOURNMENT:**

Ms. Harris moved to adjourn the meeting at 7:45 P.M., seconded by Ms. Haller and carried by unanimous voice vote (4-0).

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Richard E. Brown, Secretary

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Ryan Akin, Chairman